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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 RENE GATO,

12 Petitioner,

13 vs.

14 GREGORY SMITH, et al,

15 Respondent.
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) 2: 10-cv-01748-KJD-RJJ
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ORDER

18 This is a habeas corpus case pursuant to 28 U.S.C. § 2254 in which petitioner, a state
19 prisoner is proceeding *pro se*. On October 22, 2010, petitioner filed a motion to submit evidence.
20 (Docket #7.) The court finds that this is an attempt to circumvent the court's order of October 19,
21 2010, in which it denied petitioner's motion for an evidentiary hearing. (Docket #5.) Petitioner's
22 motion to submit evidence is **DENIED** for the reasons previously explained to petitioner in the
23 court's earlier order.

24 DATED: October 27, 2010.

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UNITED STATES DISTRICT JUDGE